



November 30, 2011

Ex Parte Notice

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Petition of the United States Telecom Association for Waiver from Application of the Equal Access Scripting Requirements, WC Docket No. 08-225

Dear Ms. Dortch:

On November 28, 2011, I spoke with Claudia Pabo of the Wireline Competition Bureau Competition Policy Division regarding the above-referenced proceeding. GCI's objection to a grant of USTA's petition stands with respect to areas in which GCI cannot offer competing bundled packages of local and long distance services and where ILECs refuse collocation in order to levy entrance facility charges for transport that they do not provide. However, GCI believes that the areas in which forbearance or waiver would not be warranted are narrow and do not encompass the vast majority of consumers either in Alaska or the United States as a whole.

Equal access scripting was originally adopted to ensure that, where the ILEC was the only provider of local telephone service, consumers were allowed to have an unbiased choice as to their interexchange provider.¹ Although local competition has reduced the number of areas in which consumers have only one choice for local telephone service, this rationale remains true in areas in which there is no local competition – including some areas in Alaska. GCI is willing to agree, however, that scripting is not required where the ILEC does not assert a 251(f)(1) rural exemption for the purposes of the negotiation of an interconnection and traffic exchange agreement, permits collocation in conjunction with interconnection, AND the ILEC has entered into (and actually implemented) interconnection agreements with a CLEC or unaffiliated CMRS provider.

In rural Alaska, carriers can only interconnect with the LEC at its switches in a particular area (such as a village), as there is little terrestrial connectivity between villages and Alaska does not have a system of tandems. Direct interconnection requires some form of collocation because the interexchange carrier will typically be providing transport from the nearby satellite earth station to the ILEC's switching center. (The Commission has already ruled that an ILEC cannot force an interconnector to pay entrance facilities access charges when the interconnector is

¹ See Comments of General Communication, Inc., WC Docket 08-225, at 6 (filed Sept. 11, 2009).

providing the transport.)² Having one interconnection agreement with a CLEC or unaffiliated CMRS provider ensures that there is at least one agreement that can be used for any other provider to “opt-in.” However, that agreement needs to be actually implemented, as GCI has had experiences with ILECs who do not actually effectuate interconnection despite having an interconnection agreement. Together, these requirements would ensure that consumers have the choice of bundled services in their area, without the potential for discriminatory, added and unnecessary entrance facility charges.

Sincerely,

A handwritten signature in black ink, appearing to read "John T. Nakahata". The signature is fluid and cursive, with a long horizontal stroke at the end.

John T. Nakahata
Counsel to General Communication, Inc.

² *In the Matter of July 1, 2004 Annual Access Charge Tariff Filings*, 19 FCC Rcd. 23877 (rel. Nov. 30, 2004)